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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,403	07/23/2003	Jingyang Zhu	HA0758 DIVI	9079
23914 759	90 03/07/2006		EXAM	INER
LOUIS J. WILLE			LILLING, HERBERT J	
BRISTOL-MYE	ERS SQUIBB COMPA	NY		
PATENT DEPARTMENT P O BOX 4000		ART UNIT	PAPER NUMBER	
		1651		
PRINCETON, NJ 08543-4000			DATE MAILED: 03/07/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/625,403	ZHU ET AL.				
Office Action Summary	Examiner	Art Unit				
	HERBERT J. LILLING	1651				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of the second period for reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be will apply and will expire SIX (6) MONTHS from the course the application to become ABANDOI	timely filed om the mailing date of this communication. NED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on July	23 2003					
,— ·						
, _	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-13</u> is/are pending in the application.						
,	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-13 are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)	🗖 .					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 	4) L Interview Summa Paper No(s)/Mail					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		Patent Application (PTO-152)				
Paper No(s)/Mail Date 6) Other:						

- 1. Receipt is acknowledged of the preliminary amendment and prior art information disclosure statement filed July 23, 2003.
 - 2. Claims 1-13 are pending in this application.
- 3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to a method of resolving a racemic mixture employing a lipase, classified in class 435, subclass 136.
 - II. Claim 6-11, drawn to a method for stereoselectively producing an enantiomer of formula I employing a hydrolase, classified in class 435, subclass 130.
 - III. Claims 12-13, drawn to a compound of formula II that does not require any biochemical reactant, classified in Class 560, subclass 1+.

The inventions are independent or distinct, each from the other because the three inventions are drawn to different processes involving different reagents and steps. The search and examination would be extremely burdensome to search all of the inventions because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter

and the search required for one invention is not required for the other invention. Thus, the

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restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims

encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection

under 35 U.S.C.103 (a) of the other invention.

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Lilling whose telephone number is 571-272-0918** and **Fax Number** is (703) 872-9306 or SPE Michael Wityshyn whose telephone number is 571-272-0926. Examiner can be reached Monday-Thursday from about 5:30 A.M. to about 3:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.J.Lilling: HJL (571) 272-0918 Art Unit 1651 March 06, 2006

Dr. Herbert J. Lilling
Primary Examiner

Group 1600 Art Unit 1651